

Remarks

Claims

Applicants have reviewed the Final Office Action dated April 29, 2008 and the examiner's rejections therein. Applicants have amended the claims and contend that the attached amended claims distinguish the present application from the cited prior art references, either alone or in combination.

New Claims 81 to 90 inclusive are presented. New claims 81 to 90 correspond to original claims 4 to 8 and claims 52 to 56 of the corresponding PCT application, no. PCT/AU2003/000393, and as such are supported by the original disclosure. It is respectfully submitted that these new claims pertain to novel and inventive features that are not present in the other claims.

According to one embodiment disclosed in Applicants' application:

1. a sender sends an Instant Message (IM) to a recipient;
2. on the recipient's computer the sender is identified;
3. the recipient's computer sends the sender's ID to a character server;
4. the character server replies by sending an animated character to the recipient's computer corresponding to the sender ID, and
5. the content of the IM is conveyed to the recipient using the animated character associated with the sender of the IM.

According to the embodiment, there is "two-way" communication between a recipient's computer system and a character server. Applicants' amended claim 1 is representative of such two-way communication, which recites, in part:

on the recipient's computer system, receiving an instant message (IM) containing content from a sender;

on the recipient's computer system, determining an identification of said sender of said IM from said IM;

sending a request from the recipient's computer system to a character server with said identification of said sender, said character server having records of animated characters and senders, each sender associated with a specific animated character;

receiving in the recipient's computer system from said character server the animated character associated with said sender;

As described in more detail below, this two-way communication between the recipient's computer system and the character server is unlike the Kim reference, U.S. patent no. 6,910,186, where there is only a one-way communication from the central server to the recipient's computer.

Applicants have therefore amended the claims to replace the word "user" with the word "recipient" to clarify that an interaction or two-way communication between the "user's" computer and the character server involves the computer system of a recipient of an IM communication and the character server.

The claims have also been amended to make it clear that a sender is associated with a specific character. Thus, for example, in an embodiment, if three IMs were received simultaneously from three different senders, the recipient's screen would show three separate characters, each delivering the respective message.

Neither the Kim nor Slotznick references disclose two-way communication between the recipient's computer and a character server. Neither reference discloses that an animated character can be supplied to the recipient's computer in response to a request by the recipient's computer for a character. While Kim may disclose a character server, it does not, either alone or in combination with Slotznick, disclose the invention as claimed in the present application.

These and other differences will be explained in more detail below.

The claims have also been amended so that the acronym "IM" is only used for "Instant Message".

Rejection of claims 19, 43, 64 and 80 in view of U.S. 6,910,186 to Kim

Kim relates to use of "organizational avatars" in a chat room environment. There is no disclosure of Instant Messaging, only the use of avatars in a chat room and the communication between the avatars in the chat room.

Firstly it is submitted that a chat room environment does not involve the use of instant messaging and does not involve the use of an animated character that is received on the message recipient's computer. In a chat room environment each user interacts with a central server and controls their own avatar. All processing is performed on the central server and there is effectively no processing performed on the client computers. Typically users interact with a chat room with a browser such as Internet Explorer or Mozilla Firefox. What appears on the client computers are in effect screen redraws performed by the central server. The recipient of a message merely receives a redrawn screen that is updated by the central server. However, this is not the only difference between the disclosure of Kim and the present invention.

In Kim, the communication between the central server and the recipient's computer is effectively one-way. There is no two-way communication between the

recipient's computer and the central server. Thus, Kim does not disclose the two-way communication between the recipient's computer and the character server as recited in Applicants' amended claim 1:

on the recipient's computer system, receiving an instant message (IM) containing content from a sender;

on the recipient's computer system, determining an identification of said sender of said IM from said IM;

sending a request from the recipient's computer system to a character server with said identification of said sender, said character server having records of animated characters and senders, each sender associated with a specific animated character;

receiving in the recipient's computer system from said character server the animated character associated with said sender;

On page 3 of the Office Action in reference to claim 19, the examiner states that Kim discloses the limitation of "including receiving a request in a character server from a user for an animated character". The examiner also states that Kim discloses the limitation that "said request including an identification of a sender of an IM message to said user". (emphases added.) In support, the examiner cites figure 4C and column 12 lines 9 to 23. As stated above, Applicants have amended claim 19 to clarify that the term "user" is indeed the "recipient" of the IM communication (as distinguished from the sender). As such, Applicants show the following.

Column 12 lines 9 to 23 of Kim states "Computer 120Q may receive a message . . . from user 20Q . . . and transmit this to server computer 130. Server computer 130 in turn saves this information . . . and supplies the information . . . to all users".

Computer 120Q is the computer of sender 20Q. Computers 120A to 120N are the recipients of any message. As clearly stated, "Server computer 130 . . . supplies the information to . . . all users" following receipt of commands from the sender's computer 120Q. However, there is no disclosure that there is any communication back from the recipient computers 120A to 120N to the server 130 for the character.

Thus, the Kim reference does not disclose the "receiving a request in a character server from a computer system of a recipient of an Instant Message (IM) for an animated character, said request including an identification of a sender of the IM to said recipient's computer system", as required by amended claim 19. (emphases added). Further, Applicants reiterate that Kim does not disclose the sending of instant messages. Rather, Kim discloses a chat room where all communications are housed on the centralized server.

So as to make it clearer that Applicants' server receives the request from the recipient and not the sender, amended claim 19 (and similar claims) now recite

“receiving a request in a character server from a computer system of a recipient of an Instant Message”. (emphasis added.)

With these amendments Applicants respectfully submit that these claims clearly distinguish over Kim.

Rejection of the remaining claims in view of Kim in combination with Slotznick

Slotznick discloses a system in which automatic software “Chatterboxes” create and respond to messages. Messages are sent by the “Chatterboxes” and these messages incorporate “hidden messages including instructions for controlling the animated image of a software controlled agent”. See paragraphs 22, 35 and 58.

In Slotznick there is no animation server with which the sender and recipient communicate. The examiner argues that Kim provides an animation server and so it would be obvious to combine Kim with Slotznick to arrive at the claimed invention.

In Slotznick messages are provided to a recipient through a single Chatterbox. Thus messages from multiple senders do not result in multiple Chatterboxes on the recipient’s computer. In addition, since all messages are communicated via a single chatterbox, which resides on the user’s computer there is no need to obtain multiple characters. Accordingly, since there is no need for multiple characters there is no need or incentive to provide a central server that serves multiple characters. Accordingly there is no teaching, suggestion, or motivation to combine the chatterbox system of Slotznick with a central character server of Kim. As such it is submitted a person of ordinary skill in the art would not look to combine Slotznick with Kim.

However, even if a person of ordinary skill in the art were to combine Kim and Slotznick, as explained above, Kim does not provide an animation server that serves characters in response to requests from recipients of messages. Any information supplied by the server to the recipients is in response to messages or commands from the sender, not from the recipient. As such, even if the two references were combined to provide the server of Kim with the Chatterboxes of Slotznick, the combined system would not result in requests from the recipients to a server for animated characters.

As discussed, neither of the references provides a character server that receives requests for an animated character from the recipient and delivers the animated character to the recipient.

In relation to claim 15, this claim has been amended to make it clear that messages from different senders are conveyed using separate characters, each of which is associated with a respective sender. Thus, for example, in an embodiment, if three IMs were received simultaneously from three different senders, the recipient’s screen would show three separate characters, each delivering the respective message.

Accordingly, Applicants respectfully submit that the present application is distinguishable over the prior art and respectfully request allowance of the claims, as amended.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers that are not provided herewith, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 034164.002. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 034164.002. Any overpayment of fees can be credited to SGR Deposit Account No. 02-4300, Order No. 034164.002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dana T. Hustins', with a long horizontal flourish extending to the right.

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